

new



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
70,503	8-28-79	Jean Y. Chenard Pau et al	

Ostrolenk, Faber, Gerb & Soffen
260 Madison Ave.
New York, N. Y. 10016

EXAMINER	
V. Hoke	
ART UNIT	PAPER NUMBER
141	2

DATE MAILED

This is a communication from the examiner in charge of your application,
COMMISSIONER OF PATENTS AND TRADEMARKS

JAN 15 1980

GROUP 140

☒ This application has been examined. ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited, Form PTO-892. | 2. <input type="checkbox"/> Notice of Informal Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. | 4. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 to 13 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 to 13 are rejected.
5. ☒ Claims 4 to 13 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ The formal drawings filed on _____ are acceptable.
8. ☐ The drawing correction request filed on _____ has been ☐ approved. ☐ disapproved.
9. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
☒ been received. ☐ not been received. ☐ been filed in parent application, serial no. _____,
filed on _____.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

An abstract of the disclosure is required as per 37 C.F.R. 1.72(b).

12. Claims 1 to 5 are rejected as not falling within one of the permissible statutory classes of inventions under 35 USC 101.

13. Claims 1 to 13 are rejected as failing to comply with 35 USC 112.

(A) Recitation "resin containing a halogen" is indefinite inasmuch as it is uncertain whether the halogen is part of the polymer chain or present as a separate entity.

(B) Recitation "ester of an organic acid" is both indefinite and unsupported in its scope since only certain carboxylic acids are disclosed as suitable whereas the present terminology reads on organo phosphonic and sulfonic acid derivatives which are neither disclosed or suggested.

(C) Recitations "metal compounds," "derivatives of tin..." "organic tin compound" and "antimony trimercaptide" are both indefinite and too broad in scope. It is clear from the disclosure that only certain known metal-containing stabilizers for PVC resins are contemplated. There is no acknowledgement that these additives must be so characterized. The terms "epoxide" and "a phosphite" are similarly unsupported. The broad tin and antimony compound terminology in claims 11 and 12 are uncertain in scope and accordingly cannot be considered definitive of a precise class of materials within applicants' purview.

(D) The preferences and particularities of claims 6 to 12 render claims indefinite in scope inasmuch as it is unclear whether the claims are restricted to these preferred groups or compounds.

(E) "Modified polyvinyl chloride" in claim 13 fails to distinguish from "polyvinyl chloride" recitation per se and is indefinite in its scope.

(F) Claim 9 is rejected as being a non sequitor inasmuch as none of the alleged generic claims 1 to 5 is drawn to a process.

13. Claims 4 to 13 are objected to under 35 USC 112 inasmuch as the statute prohibits direct dependency upon more than one preceding claim which the term "any of claims" is interpreted by the examiner as encompassing.

14. Claim 6 is rejected as fully met by Stoffelsma et al under 35 USC 102(b) in the disclosure of certain mercapto and mercapto/OH substituted esters of acetic acid.

15. Claims 1 to 6, 8, 9 and 13 are rejected as fully met by Gough et al under 35 USC 102(b) in the disclosure of mercapto-substituted alcohol esters of dicarboxylic acids and their conjoint use with organotin borates as stabilizers for PVC resins. Optional addition of phosphite and calcium stearate compounds is taught.

16. Claims 6 to 9 and 11 are rejected as fully met by Kugele under 35 USC 102 whose organotin stabilizer is prepared by the reaction of an organotin tin compound and the subject mercapto compounds. The preceding combination reads on claim 11 and the disclosure of the beta mercapto

Art Unit 143

alcohol-derived esters of mono and/or dicarboxylic acids which is set forth in columns 6 and 7 relate the lack of novelty of claims 6, 7, 8 and 9.

17. Remaining unapplied references are cited as of interest.

V. Hoke

V. HOKE:ilm

(703) 557-3807

12-17-79

PRIMARY EXAMINER
ART UNIT 143